

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**DON HADEL, REBECCA JACKSON, NICOLE
WINKLER, and TANICE SMITH, on behalf of
themselves and all others similarly situated,**

No.: 15 Civ. 3706 (RLE)

Plaintiffs,

-against-

**GAUCHO, LLC, SAMBA BRANDS MANAGEMENT,
7TH & BARROW LLC, AVENUE SPOON INC.,
SAMBODORO, LLC; SAMBA CORAL GABLES,
LLC; RIVER NORTH, LLC; SAMBA VEGAS, LLC;
SHIMON BOKOVZA, DANIELLE BILLERA, and
MATTHEW JOHNSON,**

Defendants.

**NOTICE OF PLAINTIFFS' MOTION
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiffs' Motion for Final Approval of Class Action Settlement ("Motion for Final Approval") and in the Declaration of Brian S. Schaffer in Support of Plaintiffs' Motion for Final Approval (the "Schaffer Declaration"), Plaintiffs respectfully request that the Court enter an Order:

- (1) granting final approval of the Settlement Agreement and Release ("Settlement Agreement"), attached as Exhibit A to the Schaffer Declaration;
- (2) certifying the following settlement class under Federal Rule of Civil Procedure 23(a) and (b)(3) for purposes of effectuating the settlement:

All individuals who were employed at Sushi Samba restaurants in New York as servers, runners, bartenders, and barbacks for at least 15 days during the period from May 13, 2009 through March 14, 2016;

- (3) issuing final approval of the FLSA settlement;

- (4) approving service awards to Plaintiffs Don Hadel, Rebecca Jackson, Nicole Winkler and Tanice Smith as outlined in the Settlement Agreement;
- (5) awarding Class Counsel's attorneys' fees and costs, as outlined in the Settlement Agreement;
- (6) approving Plaintiffs' proposed final settlement procedure; and
- (7) granting such other, further, or different relief as the Court deems just and proper.

Dated: New York, New York
June 9, 2016

Respectfully submitted,

/s/ Brian S. Schaffer

Brian S. Schaffer

FITAPELLI & SCHAFFER, LLP

Brian S. Schaffer

Frank J. Mazzaferro

Armando Ortiz

28 Liberty Street

New York, New York 10005

Telephone: (212) 300-0375

*Attorneys for Plaintiffs and
the Class*